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Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GAVIN SCOTT PENKAL,

Plaintiff,

v.

MARTIN O'MALLEY,
 Commissioner of Social Security,¹

Defendant.

Case No.: 3:23-cv-00393-CLB

**ORDER GRANTING DEFENDANT'S
 UNOPPOSED MOTION FOR
 EXTENSION OF TIME
 (FIRST REQUEST)**

Defendant, the Commissioner of Social Security, respectfully requests that the Court extend the time for Defendant to respond to Plaintiff's Motion to Remand (Dkt. No. 13, filed on January 9, 2024), currently due on February 8, 2024, by 30 days, through and including March 11, 2024. Defendant further requests that all subsequent deadlines be extended accordingly.

¹ Martin O'Malley became the Commissioner of Social Security on December 20, 2023. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Martin O'Malley should be substituted for Kilolo Kijakazi as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 This is Defendant's first request for an extension of time. Good cause exists for this extension
2 because Defendant requires additional time for client communication. Upon review of the Plaintiff's
3 opening brief and the record, the undersigned counsel for Defendant prepared a memorandum to the
4 client agency exploring settlement options. Additional time is needed to allow for a client agency
5 response, negotiate a possible settlement, and, if necessary, submit a brief. This request is made in
6 good faith and with no intention to unduly delay the proceedings. Defendant's counsel conferred with
7 Plaintiff's counsel, who has no opposition to this motion.

8 It is therefore respectfully requested that Defendant be granted an extension of time to respond
9 to Plaintiff's Motion for Reversal and Remand, through and March 11, 2024.

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12 Dated: February 7, 2024

Respectfully submitted,

13 JASON M. FRIERSON
14 United States Attorney

15 /s/ Michael J. Mullen
16 MICHAEL J. MULLEN
Special Assistant United States Attorney

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18 IT IS SO ORDERED:

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22 UNITED STATES MAGISTRATE JUDGE

23 DATED: February 8, 2024.
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